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Application No. 09/862,593
Docket No.: Shipley 03-16 (ACT - 135)

Art Unit: 1756
Examiner: Sagar, Kripa

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

• Dan A. Steinberg : Examiner: Sagar, Kripa

Serial No. 09/862,593

Filed: May 23, 2001 : Group Art Unit: 1756

For: METHOD FOR MAKING
INTEGRATED OPTICAL
WAVEGUIDES AND
MICROMACHINED FEATURES

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this Correspondence is being deposited on May 22, 2003 with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER FOR PATENTS, P.O. BOX 1450, Alexandria, VA 22313-1450.

May 22, 2003
Date of Certificate

Cristin Donahue
Cristin Donahue

**PETITION UNDER 37 C.F.R. 1.78(6) TO ACCEPT
UNINTENTIONALLY DELAYED 119(e) PRIORITY CLAIM**

Assistant Commissioner for Patent
Washington, D.C. 20231

Dear Sir:

Please amend the application as follows.

In the specification:

1. Please amend paragraph [0015] to read as follows.

[0015] In addition, this is a continuation-in-part (CIP) of co-pending application Serial No. 09/853,250, filed May 16, 2001, and entitled "Multi-Level Optical Structure And Method Of Manufacture", which in turn is a continuation-in-part (CIP) of co-pending application Serial No. 05/28/2003 SLUAMS1 00000018 09862593

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OFFICE OF PETITIONS

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No. 09/853,250, filed May 9, 2001, and entitled "Multi-Level Lithography Masks", which in turn claims the benefit of the following U.S. Provisional Patent Applications: Serial Number 60/202,596, entitled "Multilevel Contact Mask For Patterning Multilevel Substrates", filed May 9, 2000; Serial Number 60/204,473, entitled "Single Mask Process for Patterning Integrated Optic Waveguides, Metallizations and Micromachined Features", filed May 16, 2000, and Serial Number 60/257,021, entitled "Alternative Embodiment For Making The Multilevel Contact Mask", filed December 20, 2000. The entireties of these applications are incorporated herein by reference.

PETITION

Applicants hereby petition under 37 C.F.R. 78(6) to have an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of U.S. Provisional Applications 60/257,021, 60/202,596, and 60/204,473 accepted in the instant case. Applicants have amended paragraph [0015] to claim the benefit of these three provisional applications. The "grand-parent" application (09/853,250) from which priority is already claimed, and which is incorporated by reference in the present application, originally claimed the benefit of priority to these three provisional applications. The entire delay between the date the claim was due and the date of this petition is unintentional. The surcharge set forth in 1.17(t) of \$1300 is enclosed.

Applicants have also amended paragraph [0015] to include the application serial number for the parent application from which the subject application is a continuation-in-part. The serial number was not known at the time of filing of the present application so the attorney docket number was used instead in accordance with the specified PTO practices.

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Early and favorable reconsideration is respectfully requested. The Examiner is invited to telephone the undersigned in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,



Niels Haun
PTO Reg. No. 48,488

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ATTACHMENT

The following are the marked up copies of the specification as amended. Bracketed text has been deleted, and underlined text has been inserted.

1. Copy of paragraph [0015] marked up to show amendments.

[0015] In addition, this is a continuation-in-part (CIP) of co-pending application Serial No. 09/853,250[(not yet assigned: Atty. Dock. No. ACT.003)], filed May 16, 2001, and entitled “Multi-Level Optical Structure And Method Of Manufacture”, which in turn is a continuation-in-part (CIP) of co-pending application Serial No. 09/853,250, filed May 9, 2001, and entitled “Multi-Level Lithography Masks[.]”, which in turn claims the benefit of the following U.S. Provisional Patent Applications: Serial Number 60/202,596, entitled “Multilevel Contact Mask For Patterning Multilevel Substrates”, filed May 9, 2000; Serial Number 60/204,473, entitled “Single Mask Process for Patterning Integrated Optic Waveguides, Metallizations and Micromachined Features”, filed May 16, 2000, and Serial Number 60/257,021, entitled “Alternative Embodiment For Making The Multilevel Contact Mask”, filed December 20, 2000. The entireties of these applications are incorporated herein by reference.